

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

\* \* \*

Adrian Johnson,

Plaintiff,

v.

Jeremy Pickett, et al.,

Defendant.

Case No. 2:20-cv-00436-KJD-BNW

**ORDER**

Before the Court is plaintiff Adrian Johnson's application for leave to proceed in forma pauperis (ECF No. 1), filed on February 28, 2020. For the reasons set forth below, the Court will deny Johnson's application without prejudice. The Court will order that the Clerk of Court send Johnson the form he needs to proceed. Johnson must submit a new application by April 6, 2020, or pay the requisite filing and administrative fees.

Federal law provides that the Court may authorize a civil litigant to commence a suit in forma pauperis, without prepayment of fees. 28 U.S.C. § 1915(a)(1). To that end, under the Local Special Rules, a person who desires to proceed in forma pauperis must use "the form provided by the Court." LSR 1-1. That form must include (1) an inmate account statement for the past six months, and (2) a properly executed financial certificate. LSR 1-2.<sup>1</sup>

Here, Johnson's application is procedurally defective because he used the application form provided by Nevada state court instead of the application form provided by the United States District Court — District of Nevada. The Court will retain Johnson's complaint on file but it will require him to file a new application using the correct form. Johnson will be likewise be

---

<sup>1</sup> If the applicant has been at the institution for fewer than six months, the account statement must reflect the shortened period. *Id.*

1 required to submit a new account statement for the six months preceding his **new** application.

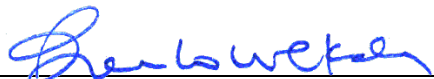
2 The Court will not screen Johnson's application until the application is complete and approved.

3 IT IS THEREFORE ORDERED that plaintiff's Application to Proceed in forma pauperis  
4 (ECF No. 1) is DENIED without prejudice.

5 IT IS FURTHER ORDERED that by **April 6, 2020**, plaintiff must either: (1) file a new  
6 application to proceed in forma pauperis (including a new account statement) in compliance with  
7 28 U.S.C. § 1915(a)(1) and LSR 1-1; or (2) pay the full \$400 fee for a civil action, which includes  
8 the \$350 filing fee and the \$50 administrative fee.

9 IT IS FURTHER ORDERED that the Clerk of Court send Johnson the following form:  
10 IFP Application to Proceed In Forma Pauperis (Inmate Packet) (Code: IFP).

11 DATED: March 9, 2020.

12  
13   
14 BREND A WEKSLER  
15 UNITED STATES MAGISTRATE JUDGE  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28